

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:07-cr-00164-TWP-TAB
	)	
JEFFREY ROUNDTREE,	)	-02
	)	
Defendant.	)	

**Order to Show Cause**

Defendant filed a pro se motion that the Court construed as a Motion for Compassionate Release pursuant to the First Step Act of 2018, which is codified at 18 U.S.C. § 3582(c)(1)(A)(i). Dkt. 181. The Court appointed counsel to represent Defendant, dkt. 182, and also ordered the parties to file notices advising the Court whether Defendant had exhausted administrative remedies as required by § 3582(c)(1)(A), dkt. 186.

On May 1, 2020, Defendant's attorney filed a responsive notice and stated that, based on the information presently available, Defendant filed an administrative request for a sentence reduction on April 27, 2020, and that request is currently under administrative review. Dkt. 187. On May 7, 2020, the government filed a notice stating that it would not waive exhaustion of administrative remedies in Defendant's case. Dkt. 188. It also argued that a court cannot waive the exhaustion requirement over the government's objection. *Id.*

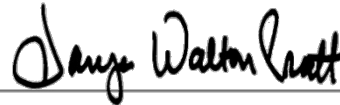
This Court has held that the exhaustion requirement is not jurisdictional and can be waived by the government but that the Court cannot waive it over the government's objection. *See United States v. Cox*, No. 4:18-cr-17-TWP-VTW-1, 2020 WL 1923220, at \*3 (S.D. Ind. Apr. 21, 2020); *United States v. Jackson*, No. 2:15-cr-00013-JMS-CMM-1, Dkt. 137 (S.D. Ind. Apr. 28, 2020); *cf.*

*United States v. Taylor*, 778 F.3d 667, 670 (7th Cir. 2015) (holding that criteria for granting sentence reduction in § 3582(c)(2) are not jurisdictional).

Accordingly, on or before **May 22, 2020**, Defendant shall show cause why his Motion for Compassionate Release, dkt. 181, should not be denied without prejudice for the reasons stated in the government's notice of May 7, 2020.

**IT IS SO ORDERED.**

Date: 5/8/2020

A handwritten signature in black ink, reading "Tanya Walton Pratt", written over a horizontal line.

TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

All Electronically Registered Counsel